

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

NED JAMES, III,

Plaintiff,

vs.

MS. BUTLER, et al.,

Defendants.

Case No. 15-cv-0798-SMY-PMF

**MEMORANDUM AND ORDER**

Before the Court is the Report and Recommendation (Doc. 17) of Magistrate Judge Philip M. Frazier recommending that this Court deny without prejudice Plaintiff's request for immediate transfer from Menard Correctional Center, filed as part of his Complaint (Doc. 1) and construed as a motion for a preliminary injunction. Plaintiff did not object to the Report and Recommendation and instead filed a second motion requesting the same relief (Doc. 20). Magistrate Judge Frazier again recommended that the motion be denied (Doc. 30). Plaintiff again did not file an objection.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has reviewed Plaintiff's motions and case history and finds that the Report is not clearly erroneous. Accordingly, the Court **ADOPTS** the Reports of Magistrate Judge Frazier (Docs. 17 and 30) and **DENIES** Plaintiff's request for injunctive relief in the form of an immediate transfer.

**IT IS SO ORDERED.**

**DATED:** October 16, 2015

s/ Staci M. Yandle  
**STACI M. YANDLE**  
**DISTRICT JUDGE**